

By the Committee on Transportation; and Senator DiCeglie

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1 A bill to be entitled
2 An act relating to salvage; amending s. 319.30, F.S.;
3 revising and defining terms; revising provisions
4 relating to obtaining a salvage certificate of title
5 or certificate of destruction; exempting the
6 Department of Highway Safety and Motor Vehicles from
7 liability to certain persons as a result of the
8 issuance of such certificates; providing requirements
9 for an independent entity's release of a damaged or
10 dismantled vessel to the owner; authorizing the
11 independent entity to apply for certain certificates
12 for an unclaimed vessel; providing requirements for
13 such application; specifying provisions to which the
14 independent entity is subject; prohibiting the
15 independent entity from charging vessel storage fees;
16 reenacting ss. 319.14(1)(b) and 319.141(1)(b), F.S.,
17 relating to the sale of motor vehicles registered or
18 used as specified vehicles and the definition of the
19 term "rebuilt inspection services" as used in the
20 rebuilt motor vehicle inspection program,
21 respectively, to incorporate the amendment made to s.
22 319.30, F.S., in references thereto; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraphs (g) and (j) of subsection (1),
28 paragraph (b) of subsection (3), and subsection (9) of section
29 319.30, Florida Statutes, are amended, and paragraph (y) is

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30 added to subsection (1) of that section, to read:

31 319.30 Definitions; dismantling, destruction, change of
32 identity of motor vehicle, vessel, or mobile home; salvage.—

33 (1) As used in this section, the term:

34 (g) "Independent entity" means a business or entity that
35 may temporarily store damaged or dismantled motor vehicles or
36 vessels pursuant to an agreement with an insurance company and
37 that is engaged in the sale or resale of damaged or dismantled
38 motor vehicles or vessels. The term does not include a wrecker
39 operator, a towing company, or a repair facility.

40 (j) "Major component parts" means:

41 1. Except as provided in subparagraph 3., for motor
42 vehicles other than motorcycles, any fender, hood, bumper, cowl
43 assembly, rear quarter panel, trunk lid, door, decklid, floor
44 pan, engine, frame, transmission, catalytic converter, or
45 airbag.

46 2. Except as provided in subparagraph 3., for trucks, in
47 addition to those parts listed in subparagraph 1., any truck
48 bed, including dump, wrecker, crane, mixer, cargo box, or any
49 bed which mounts to a truck frame.

50 3. For electric, hybrid, or plug-in hybrid motor vehicles
51 or trucks, in addition to the parts listed in subparagraphs 1.
52 and 2., respectively, any electric traction motor, electronic
53 transmission, charge port, DC power converter, onboard charger,
54 power electronics controller, thermal system, traction battery
55 pack, or airbag.

56 4. For motorcycles, the body assembly, frame, fenders, gas
57 tanks, engine, cylinder block, heads, engine case, crank case,
58 transmission, drive train, front fork assembly, and wheels.

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59 5.4. For mobile homes, the frame.

60 (y) "Vessel" has the same meaning as in s. 713.78(1)(b).

61 (3)

62 (b) The owner, including persons who are self-insured, of a
63 motor vehicle or mobile home ~~that is~~ considered to be salvage
64 shall, within 72 hours after the motor vehicle or mobile home
65 becomes salvage, forward the title to the motor vehicle or
66 mobile home to the department for processing. However, and
67 except as provided in this paragraph for a motor vehicle or
68 mobile home retained by the owner in connection with a total
69 loss claim settlement, an insurance company that pays money as
70 compensation for the total loss of a motor vehicle or mobile
71 home shall obtain the certificate of title for the motor vehicle
72 or mobile home, make the required notification to the National
73 Motor Vehicle Title Information System, and, within 72 hours
74 after receiving such certificate of title, forward such title by
75 the United States Postal Service, by another commercial delivery
76 service, or by electronic means, when such means are made
77 available by the department, to the department for processing.
78 However, if the owner retains possession of a motor vehicle or
79 mobile home in connection with a total loss claim settlement for
80 such motor vehicle or mobile home, the owner must, within 72
81 hours after the motor vehicle or mobile home becomes salvage, or
82 the insurance company must, within 72 hours after receiving the
83 certificate of title for such motor vehicle or mobile home,
84 forward the certificate of title to the motor vehicle or mobile
85 home to the department for processing, and the department must
86 issue a salvage certificate of title or certificate of
87 destruction directly to the motor vehicle or mobile home owner

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88 rather than to the insurance company or its agent. The owner or
89 insurance company, as applicable, may not dispose of a motor
90 vehicle or mobile home that is a total loss before it obtains a
91 salvage certificate of title or certificate of destruction from
92 the department. ~~Effective January 1, 2020:~~

93 1. Thirty days after payment of a claim for compensation
94 pursuant to this paragraph, the insurance company may receive a
95 salvage certificate of title or certificate of destruction from
96 the department if the insurance company is unable to obtain a
97 properly assigned paper certificate of title from the owner or
98 lienholder of the motor vehicle or mobile home or a properly
99 completed assignment of an electronic certificate of title from
100 the owner of, ~~if the motor vehicle or mobile home does not carry~~
101 ~~an electronic lien on the title~~ and the insurance company:

102 a. Has obtained the release of all liens on the motor
103 vehicle or mobile home, or has paid the amount due to the
104 lienholder and has obtained proof that the lienholder accepts
105 payment as satisfying the amount due to the lienholder;

106 b. Has attested on a form provided by the department that
107 payment of the total loss claim has been distributed; and

108 c. Has attested on a form provided by the department and
109 signed by the insurance company or its authorized agent stating
110 the attempts that have been made to obtain the paper certificate
111 of title or a properly completed assignment of an electronic
112 certificate of title from the owner or lienholder and further
113 stating that all attempts are to no avail. The form must include
114 a request that the salvage certificate of title or certificate
115 of destruction be issued in the insurance company's name due to
116 payment of a total loss claim to the owner or lienholder. The

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117 attempts to contact the owner or lienholder may be by written
118 request delivered in person or by first-class mail with a
119 certificate of mailing to the owner's last known address or
120 lienholder's last known address, respectively.

121 2. If the owner or lienholder is notified of the request
122 for title or assignment of title in person, the insurance
123 company must provide an affidavit attesting to the in-person
124 request for a certificate of title or assignment of title.

125 3. The request to the owner or lienholder for the
126 certificate of title or to the owner or lienholder for the
127 assignment of title must include a complete description of the
128 motor vehicle or mobile home and the statement that a total loss
129 claim has been paid on the motor vehicle or mobile home.

130 4. The department is not liable and may not be held liable
131 to an owner, a lienholder, or any other person as a result of
132 the issuance of a salvage certificate of title or a certificate
133 of destruction pursuant to subparagraph 1.

134 (9) (a) An insurance company may notify an independent
135 entity that obtains possession of a damaged or dismantled motor
136 vehicle or vessel to release the vehicle or vessel to the owner.
137 The insurance company shall provide the independent entity a
138 release statement on a form prescribed by the department
139 authorizing the independent entity to release the vehicle or
140 vessel to the owner or lienholder. The form must, at a minimum,
141 contain the following:

- 142 1. The policy and claim number.
- 143 2. The name and address of the insured.
- 144 3. The vehicle identification number or vessel hull
145 identification number.

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146 4. The signature of an authorized representative of the
147 insurance company.

148 (b) The independent entity in possession of a motor vehicle
149 or vessel must send a notice to the owner that the motor vehicle
150 or vessel is available for pickup when it receives a release
151 statement from the insurance company. The notice must ~~shall~~ be
152 sent by certified mail or by another commercially available
153 delivery service that provides proof of delivery to the owner at
154 the owner's address contained in the department's records. The
155 notice must state that the owner has 30 days after delivery of
156 the notice to the owner at the owner's address to pick up the
157 motor vehicle or vessel from the independent entity. If the
158 motor vehicle or vessel is not claimed within 30 days after the
159 delivery or attempted delivery of the notice, the independent
160 entity may apply for a certificate of destruction, a salvage
161 certificate of title, or a certificate of title for a motor
162 vehicle or a certificate of title as defined in s. 328.0015 for
163 a vessel. For a vessel that is hull damaged as defined in s.
164 328.0015, the application must indicate "Hull Damaged."

165 (c) If the department's records do not contain the owner's
166 address, the independent entity must do all of the following:

167 1. Send a notice that meets the requirements of paragraph
168 (b) to the owner's address that is provided by the insurance
169 company in the release statement.

170 2. For a motor vehicle, identify the latest titling
171 jurisdiction of the vehicle through use of the National Motor
172 Vehicle Title Information System or an equivalent commercially
173 available system and attempt to obtain the owner's address from
174 that jurisdiction. If the jurisdiction returns an address that

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175 is different from the owner's address provided by the insurance
176 company, the independent entity must send a notice that meets
177 the requirements of paragraph (b) to both addresses.

178 (d) The independent entity shall maintain for at least a
179 ~~minimum of~~ 3 years the records related to the 30-day notice sent
180 to the owner. For motor vehicles, the independent entity shall
181 also maintain for at least 3 years the results of searches of
182 the National Motor Vehicle Title Information System or an
183 equivalent commercially available system, and the notification
184 to the National Motor Vehicle Title Information System made
185 pursuant to paragraph (e).

186 (e) The independent entity shall make the required
187 notification to the National Motor Vehicle Title Information
188 System before releasing any damaged or dismantled motor vehicle
189 to the owner or before applying for a certificate of destruction
190 or salvage certificate of title. The independent entity is not
191 required to notify the National Motor Vehicle Title Information
192 System before releasing any damaged or dismantled vessel to the
193 owner or before applying for a certificate of title as defined
194 in s. 328.0015.

195 (f) Upon applying for a certificate of destruction, ~~or~~
196 salvage certificate of title, or certificate of title for a
197 motor vehicle or for a certificate of title as described in
198 paragraph (b) for a vessel, the independent entity shall provide
199 a copy of the release statement from the insurance company to
200 the independent entity, proof of providing the 30-day notice to
201 the owner, proof of notification to the National Motor Vehicle
202 Title Information System if required, proof of all lien
203 satisfactions or proof of a release of all liens on the motor

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204 vehicle or vessel, and applicable fees. If the independent
205 entity is unable to obtain a lien satisfaction or a release of
206 all liens on the motor vehicle or vessel, the independent entity
207 must provide an affidavit stating that notice was sent to all
208 lienholders that the motor vehicle or vessel is available for
209 pickup, 30 days have passed since the notice was delivered or
210 attempted to be delivered pursuant to this section, attempts
211 have been made to obtain a release from all lienholders, and all
212 such attempts have been to no avail. The notice to lienholders
213 and attempts to obtain a release from lienholders may be by
214 written request delivered in person or by certified mail or
215 another commercially available delivery service that provides
216 proof of delivery to the lienholder at the lienholder's address
217 as provided on the certificate of title for a motor vehicle or
218 on the certificate of title as defined in s. 328.0015 for a
219 vessel and to the address designated with the Department of
220 State pursuant to s. 655.0201(2) if such address is different.

221 (g) The independent entity may not charge an owner of the
222 vehicle or vessel storage fees or apply for a title under s.
223 713.585 or s. 713.78.

224 Section 2. For the purpose of incorporating the amendment
225 made by this act to section 319.30, Florida Statutes, in a
226 reference thereto, paragraph (b) of subsection (1) of section
227 319.14, Florida Statutes, is reenacted to read:

228 319.14 Sale of motor vehicles registered or used as
229 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
230 nonconforming vehicles, custom vehicles, or street rod vehicles;
231 conversion of low-speed vehicles.—

232 (1)

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233 (b) A person may not knowingly offer for sale, sell, or
234 exchange a rebuilt vehicle until the department has stamped in a
235 conspicuous place on the certificate of title for the vehicle
236 words stating that the vehicle has been rebuilt or assembled
237 from parts, or is a kit car, glider kit, replica, flood vehicle,
238 custom vehicle, or street rod vehicle unless proper application
239 for a certificate of title for a vehicle that is rebuilt or
240 assembled from parts, or is a kit car, glider kit, replica,
241 flood vehicle, custom vehicle, or street rod vehicle has been
242 made to the department in accordance with this chapter and the
243 department has conducted the physical examination of the vehicle
244 to assure the identity of the vehicle and all major component
245 parts, as defined in s. 319.30(1), which have been repaired or
246 replaced. Thereafter, the department shall affix a decal to the
247 vehicle, in the manner prescribed by the department, showing the
248 vehicle to be rebuilt.

249 Section 3. For the purpose of incorporating the amendment
250 made by this act to section 319.30, Florida Statutes, in a
251 reference thereto, paragraph (b) of subsection (1) of section
252 319.141, Florida Statutes, is reenacted to read:

253 319.141 Rebuilt motor vehicle inspection program.—

254 (1) As used in this section, the term:

255 (b) "Rebuilt inspection services" means an examination of a
256 rebuilt vehicle and a properly endorsed certificate of title,
257 salvage certificate of title, or manufacturer's statement of
258 origin and an application for a rebuilt certificate of title, a
259 rebuilder's affidavit, a photograph of the junk or salvage
260 vehicle taken before repairs began, if available, a photograph
261 of the interior driver and passenger sides of the vehicle if

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262 airbags were previously deployed and replaced, receipts or
263 invoices for all major component parts, as defined in s. 319.30,
264 and repairs which were changed, and proof that notice of
265 rebuilding of the vehicle has been reported to the National
266 Motor Vehicle Title Information System.

267 Section 4. This act shall take effect July 1, 2024.